

REMARKS

The present submission accompanies a request for continued examination pursuant to 37 C.F.R. § 114 for U.S. Appln. Serial No. 09/988,304. Reconsideration of this application is respectfully requested in view of the foregoing amendment and the following remarks.

Claims 1-22 are pending and stand rejected. Claims 1, 3-5, 7-9 and 12-22 are sought to be amended. New claims 23-32 are sought to be added. No new matter is believed to be introduced by this amendment and its entry is respectfully requested. After entry of the present amendment, claims 1-32 will be pending and are submitted for consideration.

Initially, applicants' representative wishes to thank Examiner To for extending him the courtesy of an Examiner's Interview held on September 26, 2003. The substance of the Examiner's Interview is summarized in the Interview Summary of that date.

The Office Action rejects claims 1-22 under 35 U.S.C. 103(a) as allegedly being unpatentable over U.S. Patent No. 6,362,730 to Razavi *et al.* ("Razavi") in view of U.S. Patent No. 5,945,919 to Trask ("Trask"). Applicants respectfully traverse the rejection with respect to claims 1, 7 and 12, and their respective dependent claims. Claim 17 has been amended to further clarify a feature of the present invention.

As explained in the Office Action, Razavi does not disclose the "selection means to determine whether to send the vehicle data using the first transmission network or the second transmission network in accordance with a selection parameter according to a priority." The Office Action combines Trask with Razavi to provide support for the contention therein that the claims are obvious. Support for this contention is alleged to be provided in Trask at col. 6, lines

3-32. As explained during the Examiner's Interview, applicants respectfully disagree with this interpretation of Trask.

Trask discloses a system for managing a fleet of vehicles. To manage that fleet of vehicles, the vehicles communicate with a centralized management computer that Trask calls a "dispatcher free vehicle allocation (DFVA) system." Vehicles send position information to the DFVA over communication links. Trask discloses various communication technologies for performing this communication.

However, Trask does not teach or suggest that those technologies can be mixed in any way. That is, only one of the disclosed communication technologies is used in any given implementation of the system described in Trask. Indeed, each time a different communication protocol is introduced, Trask teaches that every vehicle (taxi 306a-306d) in the system uses that particular communication protocol. (*See*, Trask at col. 5, line 66 to col. 6, line 32.) Nowhere does Trask teach or suggest that one vehicle in the system uses one communication paradigm and another vehicle in the system uses a different communication paradigm. As a result, Trask does not teach or suggest selecting between a first transmission network and a second transmission network according to a priority as recited in the claims of the present application. For example, nowhere does Trask teach or suggest that taxi 306a uses one communication protocol, while taxi 306b uses another communication protocol.

Thus, Trask discloses communication over *only one* transmission network. Consequently, Trask does not teach or suggest the use of a first transmission network and a second transmission network as recited in the claims. Moreover, because Trask discloses the use

of only one transmission network, Trask does not teach or disclose any selection, let alone selection according to a priority as recited in the claims.

Consequently, there is no teaching in Trask of “selection means to determine whether to send the vehicle data using the first transmission network or the second transmission network in accordance with a selection parameter according to a priority” as recited in claim 1, “selection means to determine whether to send the status data using the first transmission network or the second transmission network in accordance with a selection parameter” as recite in claim 7, “determining whether to transmit the vehicle data to a processing center over a first transmission network or a second transmission network according to a priority” as recited in claim 12 or “transmitting the vehicle data to a processing center wherein the transmission of the vehicle data ... over a first transmission network or a second transmission network in accordance with a selection parameter” as recited in claim 17. Consequently, applicants respectfully assert that neither Razavi nor Trask, whether taken alone or in combination, teach or disclose these elements of claims 1, 7, 12 and 17. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims 1, 7, 12 and 17 and their respective dependent claims as agreed during the Examiner's Interview.

Further, claim 7 recites a “managing means” that comprises “means for resolving conflicts in transmission network usage.” Applicants respectfully assert that neither Razavi nor Trask, whether taken alone or in combination, teach or suggest the “means for resolving conflicts” element recited in claim 7. Consequently, applicants respectfully request that the

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Examiner reconsider and withdraw the rejection of claim 7 and its dependent claims for this independent basis as well.

In view of the foregoing all of the claims in this case are believed to be in condition for allowance. Should the Examiner have any questions or determine that any further action is desirable to place this application in even better condition for issue, the Examiner is encouraged to telephone applicants' undersigned representative at the number listed below.

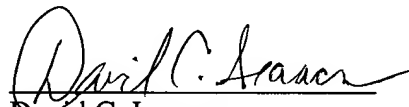
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Respectfully submitted,

TIMKO ET AL.

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Attachments:

DCI/kmh